

Filed for intro on 02/10/97
SENATE BILL 409 By
Dixon

HOUSE BILL 727
By Brooks

AN ACT relative to state compliance with the requirements of Title
VI of the Civil Rights Act of 1964, and to amend
Tennessee Code Annotated, Title 4, Chapter 21.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 21, is amended
by adding Sections 2 through 5 of this act as a new, appropriately designated part.

SECTION 2. As used in this act, "Title VI" means Title VI of the Civil Rights
Act of 1964, 42 U.S.C., subsection 2000d, et seq., and regulations promulgated
pursuant thereto.

SECTION 3.

(a) There is hereby created an independent entity of state
government, to be known as the Title VI Compliance Authority. The
authority shall be governed by a board of directors consisting of eleven (11)
members as provided in this section.

(b) The board of directors shall consist of nine (9) citizens appointed
by the governor, three (3) of whom shall reside in each grand division of
the state. Additionally, the board shall consist of two (2) non-voting
members as follows: one (1) member of the senate, to be appointed by the
speaker of the senate to a two (2) year term; and one (1) member of the

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house of representatives, to be appointed by the speaker of the house of representatives to a two (2) year term.

(c) Each of the nine (9) citizen members of the board of directors shall be appointed for a term of six (6) years. A citizen member may be appointed to serve not more than two (2) consecutive six (6) year terms.

(d) The board of directors shall annually elect one of its members to serve as chairperson. A quorum of the board shall consist of six (6) members.

(e) Members of the board of directors shall be appointed on a nonpartisan basis and shall reflect the state's racial and ethnic diversity. At least three (3) of the members shall be African Americans; at least one (1) member shall be sixty-five (65) years of age or older; and at least one (1) member shall be a woman. Board members shall, by virtue of education and/or experience, collectively possess broad knowledge and expertise pertaining to matters of government, commerce, law, human rights, and ethics. No person serving on the board of directors shall be an officer or employee of any agency or entity of federal, state, or local government; no person serving on the board of directors shall be a subrecipient or an owner, officer, or employee of a subrecipient of federal funds transmitted through an entity of state government; and no person serving on the board of directors shall be a subcontractor or an owner, officer, or employee of a subcontractor of a subrecipient of federal funds transmitted through an entity of state government; provided, however, the provisions of this sentence, prohibiting officers of agencies or entities of state government from serving on the board, shall not apply to the non-voting members of the board appointed pursuant to subsection (b).

(f) In the event of the death or resignation of a board member, such member's successor shall be appointed to serve the unexpired term.

(g) Board members are entitled to reimbursement for expenses incurred in the performance of duties pursuant to this act, such reimbursement to be paid in accordance with the provisions of the comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general and reporter.

SECTION 4. The board of directors of the Title VI Compliance Authority shall have power to:

- (1) establish and maintain a central office;
- (2) meet and exercise its powers throughout the state;
- (3) employ an executive director, attorneys, investigators, clerks, and other employees as it may deem necessary;
- (4) review current Title VI monitoring and enforcement procedures as reflected by federal and state statutes, rules, regulations, programs, services, and budgetary priorities;
- (5) define and establish the components, guidelines and objectives of a comprehensive state policy to ensure and promote present and future compliance with Title VI;
- (6) identify any Tennessee laws, rules, programs, services, and budgetary priorities which conflict with the components, guidelines, and objectives of such comprehensive policy;
- (7) search for any interdepartmental gaps, inconsistencies, and inefficiencies in the implementation of such comprehensive policy;

(8) identify any new laws, rules, programs, services, and budgetary priorities which are needed to ensure and promote present and future compliance with and enforcement of Title VI;

(9) serve as an in-house informational resource for the general assembly on legislative policy matters concerning monitoring compliance with and enforcement of Title VI;

(10) serve as the central coordinating agency of state government for provision of technical assistance, consultation, and resources to encourage and assist compliance by state governmental entities and by the subrecipients of federal funds transmitted through such entities, with the requirements of Title VI;

(11) conduct research, hold public hearings, publish reports, and engage in other activities to inform Tennesseans of the provisions and requirements of Title VI;

(12) serve as a clearinghouse for allegations of Title VI noncompliance committed by state governmental entities and by the subrecipients of federal funds transmitted through such entities;

(13) investigate such allegations of noncompliance;

(14) exercise such powers as are conferred on committees of the general assembly pursuant to the provisions of Tennessee Code Annotated, Title 3, Chapters 3 and 4, provided, however, such powers shall be exercised by the board with respect to a particular state governmental entity, or subrecipient of a state governmental entity, if and only if such entity or subrecipient has timely failed to voluntarily comply with a reasonable informational request submitted in writing by the board;

(15) prevent violations of Title VI by state governmental entities and by the subrecipients of federal funds transmitted through such entities, by means of litigation filed in the chancery court of Davidson County seeking equitable remedy including, but not necessarily limited to, injunction of expenditure of federal funds by the state governmental entity and by the subrecipients of federal funds transmitted through such entity; provided, however, such litigation shall be filed by the board if, and only if, a particular entity or subrecipient has failed for a period of at least thirty (30) days to voluntarily comply with the board's written recommendation that the entity or subrecipient cease and/or desist from a specified policy or practice which violates Title VI;

(16) promulgate, in accordance with the uniform administrative procedures act, Tennessee Code Annotated, Title 4, Chapter 5, such rules as may be reasonably necessary to implement the provisions of this act in an effective and efficient manner;

(17) report annually to the general assembly on the authority's activities, findings, and recommendations; and

(18) perform such other activities as are reasonably related to the legislative intent of this act.

SECTION 5. It is the legislative intent that, to the extent legally permissible, funding for the Title VI Compliance Authority shall be annually appropriated from that portion of the state's federal grant assistance which is available to defray the state's administrative expenses.

SECTION 6. This act shall take effect on July 1, 1997, the public welfare requiring it.